

Remarks

Applicant has amended the Summary of the Invention so that it is consistent with the cancellation without prejudice of independent claims 1 and 17 as filed. Applicant has amended claim 9 to correct an obvious and inadvertent error therein.

Applicant has amended the specification to include in the Description of the Drawing a short description of new Figs. 1a, 1b, 2a and 2b added herein. Applicant has amended the Description of the Prior Art to correct an obvious and inadvertent error in the paragraph that starts at line 7 on page 2. Applicant has amended the Description of the Preferred Embodiment(s) to correct obvious and inadvertent errors in the paragraphs that start at lines 2 and 27 on page 8, the paragraph that starts at line 18 on page 9, the paragraph that starts at line 18 on page 12, the paragraphs that start at lines 11 and 20 on page 15, the paragraph that starts at line 19 on page 16, the paragraph that starts at line 18 on page 17 and the paragraph that starts at line 30 on page 22.

Applicant has also amended the Description of the Preferred Embodiment(s) to include in the paragraph that starts at line 33 on page 9 a description of new Fig. 1a, in the paragraph that starts at line 25 on page 13 a description of the flowchart of new Fig. 1b, in the paragraph that starts at 35 on page 17 a description of the flowchart in new Fig. 2a and before the paragraph that starts at line 27 on page 19 a description of the flowchart shown in Fig. 2b. Applicant has amended the drawing figures to add thereto a new Fig. 1a with a block that shows that which is described in the application as filed starting at line 33 on page 9 and ending at line 16 on page 11, a new Fig. 1b with a flowchart that shows that which is described in the application as filed starting at line 25 on page 13, a new Fig. 2a with a flowchart that shows that which is described in the application as filed starting at line 35 on page 17 and a new Fig. 2b with a flowchart that shows that which is described in the application as filed starting at line 13 on

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page 18 and ending at line 26 on page 19. Thus, new Figs. 1a, 1b, 2a and 2b and the amendments identified above made to the specification to describe those figures do not introduce new matter as they are fully supported by the application as filed.

The Objection to the Drawings

The Examiner has objected to the drawings under 37 CFR 1.83(a) because:

a) "a blocking order" which words appear in claims 5-7 and 19 does not appear in the drawings. Applicant has amended the drawings to include a new Figs. 2a and 2b which both show "a blocking order."

b) the drawings do not show "process flow and constraint" as described in the specification. As discussed with the Examiner in a telephone conversation held on February 18, 2004 these words do not appear in the specification. During that conversation the Examiner said that what is meant by those words is that the application as filed does not have a flowchart for the text that starts at line 33 on page 9 and ends at line 25 on page 14. Applicant has amended the drawings to include new Figs. 1a and 1b that are directed to the content of those pages.

Therefore in view of the above amendments to the drawing figures applicant respectfully requests reconsideration of the objection to the drawing figures.

The Rejection of the Claims Under 35 U.S.C. 112, Second Paragraph

The Examiner has rejected all of the claims under the second paragraph of Section 112 because all of the independent claims are indefinite as none of the drawing figures show the process flow diagram with constraint to accomplish the claimed method or system for optimizing the maintenance. Applicant has as described above amended the drawings to include new Figs. 1a and 1b and in addition has canceled without prejudice claims 1-4 and 17-18. Therefore, applicant hereby requests reconsideration of this rejection.

The Rejection of the Claims Under 35 U.S.C. 102(e)

The Examiner has rejected all of the claims as anticipated by U.S. Patent No. 6,438,436 (Hohkibara et al.). The Examiner refers in Hohkibara et al. to column 3, lines 17-25 with respect to method claims 1-16 and to column 2, lines 50-53 with respect to systems claims 17-21.

The applicant has canceled without prejudice independent claims 1 and 17 and claims 2-4 dependent on claim 1 and claim 18 dependent on claim 17.

In independent claim 5, applicant teaches the art a method for optimizing the maintenance of assets and production that comprises the acquiring of at least one maintenance trigger. As is described in the application as filed at lines 9 to 11 on page 6 a maintenance trigger is an indication that a maintenance action is might be required somewhere in the plant for one or more of the assets used in the plant. The method of claim 5 further comprises defining a schedule for the maintenance action and then transmitting in response to the defined maintenance schedule a blocking order that request a time to perform the maintenance action to a system that schedules the maintenance.

In independent claim 10, applicant teaches the art a method for optimizing the maintenance of assets and production that comprises acquiring a maintenance trigger as called for in claim 5. The method further comprises requesting in response to the maintenance trigger a time to perform the maintenance action and the determining by the use of predetermined criteria relate to production and in response to the request for the time to perform the maintenance action a time to perform the maintenance action.

The Examiner has with respect to independent method claims 5 and 10 referred to the paragraph in column 3, lines 17-25 of Hohkibara et al. as very broadly explaining the method of maintenance and production schedules as well as maintaining production, while maintenance of the assets is in progress. This paragraph of Hohkibara et al. does not describe the

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transmitting in response to a defined maintenance schedule the blocking order called for in applicant's claim 5. As is called for in claim 5 the blocking order requests to a system that schedules production a time to perform the maintenance action. All that the cited paragraph of Hohkibara et al. says is "a short range production scheduling may be provided so that the amount of lots processed in each step can be estimated, and maintenance works of each apparatus or machine can be scheduled." There is no teaching or even suggestion in this paragraph of the blocking order issued in response to a maintenance trigger as is called for in applicant's claim 5.

Applicant calls the Examiner's attention to column 9, lines 45 et seq. of Hohkibara et al. which makes it clear that in the system and method described in this reference it is the knowledge of the state of the production that is used as an input to a system that allocates the maintenance as opposed to the receipt of a maintenance request in both independent claims 5 and 10 that starts the method called for in both claims. Applicant also calls the Examiner's attention to lines 6 to 12 of column 5 of this reference which also makes it clear that the system and method described therein is based on knowledge of the production to make a plan for maintenance and not on the receipt of a maintenance request.

Further at lines 64 et seq. of column 9, Hohkibara et al. clearly state that when "there arises any fault in a machine ... only the work schedule needs to be reviewed and revised." As is taught and claimed by applicants in independent claims 5 and 10 in their invention it is the time to perform the maintenance action that is determined.

Independent claim 19 and 21 are the systems analogs of independent method claims 5 and 10. With regard to claims 19 and 21 the Examiner refers to column 2, lines 50 to 53 of Hohkibara et al. which describes a computer readable storage medium containing as a program the production scheduling management method described in the reference. Claims 19 and 21

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have as elements the same limitations that are in claims 5 and 10, respectively and therefore the discussion above about the teaching of Hohkibara et al. also applies to these.

Thus for the reasons given above, applicant submits that claims 5-16 and 19-22 are not anticipated by Hohkibara et al. as that reference does not even teach, disclose or even suggest that which is taught by applicant in those claims and in claims 6-9 dependent on claim 5, claims 11-16 dependent on claim 10, claim 20 dependent on claim 19 and claim 22 dependent on claim 21 and therefore requests reconsideration of the rejection of all of these claims as anticipated by Hohkibara et al.

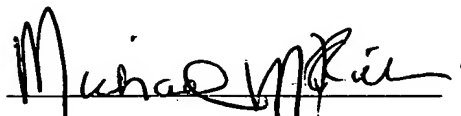
Reconsideration of the application in accordance with Rules 111 and 112 is requested.

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Following Page*****

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Respectfully submitted,

Date: 4/21/04



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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on the 21st day of April, 2004.

Respectfully, Debra Rietze

Date: April 21, 2004



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Attachment

Attached are four new drawing sheets. The first sheet has new Fig. 1a, the second sheet has new Fig. 1b, the third sheet has new Fig. 2a and the fourth sheet has new Fig. 2b.